

"GUIDELINES FOR TRANSPORTING JUVENILES IN DETENTION"

Revised September 8, 2004

PART I.

GUIDELINES FOR DETENTION HOMES AND COURT SERVICE UNITS WHEN TRANSPORTING JUVENILES IN DETENTION

Purpose

The purpose of these Guidelines is to ensure the safety of detained juveniles and the staff who transport them; protect the public safety through appropriate security and supervision practices; and reduce the liability exposure of those who are responsible for transporting detained juveniles.

Statutory Authority

Part I of these Guidelines, applying to detention homes and court service units, are established in accordance with Code of Virginia §§ 16.1-254 (A) and 16.1-309.9. Section 16.1-254 sets out the respective responsibilities of detention homes and court service units for the transportation of juveniles in detention:

§ 16.1-254. Responsibility for and limitation on transportation of children.

A. The detention home having custody or responsibility for supervision of a child pursuant to §§ [16.1-246](#), [16.1-247](#), [16.1-248.1](#), [16.1-249](#), and [16.1-250](#) shall be responsible for transportation of the child to all local medical appointments, dental appointments, psychological and psychiatric evaluations. Transportation of youth to special placements pursuant to § [16.1-286](#) shall be the responsibility of the court service unit.

Section 16.1-309 authorizes the Board to set standards for the supervision of detained juveniles, including supervision while being transported in detained status:

§ 16.1-309.9. Establishment of standards; determination of compliance.

A. The State Board of Juvenile Justice shall develop, promulgate and approve standards for the development, implementation, operation and evaluation of the range of community-based programs, services and facilities authorized by this article. *The State Board shall also approve minimum standards for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.*

Guidelines

- A. Virginia Code § 16.1-254 (A) makes the detention home “responsible for” transportation to all local medical appointments, dental appointments, psychological and psychiatric evaluations, and makes the court service unit “responsible for” transporting detained juveniles to special placements made pursuant to § 16.1-286. The detention home and the court service unit may fulfill these responsibilities by having their own staff transport the detained juvenile, or by entering into an agreement or contract with a public or private agency that can provide the required security and safety. In addition, the court service unit may fulfill its responsibility for transporting a detained juvenile to a special placement under § 16.1-286 by arrangement with the juvenile’s parents, guardians or other responsible adults, including volunteers, when deemed appropriate in accordance with unit operating procedures.
- B. Staff court service units, including volunteers, shall not transport detained juveniles in their private vehicles. Staff of other public or private agencies, including locally-operated and commission-operated detention facilities, shall be governed by the policies of their employing agencies concerning the use of private vehicles.
- C. No child shall be transported with adults suspected of or charged with criminal acts. (See Virginia Code § 16.1-254.)
- D. Drivers must possess a valid driver's license.
- E. The detention home may require notice of the date and time of the local medical appointment, dental appointment, or psychological and psychiatric evaluation at least 72 hours in advance.

Discussion: Because a detention home's primary responsibility is to provide safe and secure supervision of detained youth, reasonable notice is required to not only arrange for the transportation of the youth but also to ensure adequate staff for the continued staffing of the facility.

- F. When the medical staff of a detention home have made the written determination that a youth's medical condition can be adequately treated without transporting the youth to a routine or previously scheduled appointment, the detention home is not required to transport the youth unless ordered by a court.

Discussion: A youth who has been detained in a secure detention facility should be removed from the facility only for a compelling reason. Routine or previously scheduled appointments that are not required by the court and which, if missed, would not jeopardize the youth's health, do not constitute sufficient reason.

- G. Detention home staff will confirm all appointments made by the court or others prior to transporting a youth and shall enter such confirmation in the daily log or transportation log.
- H. The transportation of a youth by detention personnel to an appointment shall not obligate the detention home to pay for any costs associated with the appointment, unless previously agreed.

- I. Unless provided for otherwise through agreement, the detention home shall not be required to transport youth to appointments that are outside of the geographical boundaries of the State of Virginia, or that are more than 25 miles from the facility in one direction.
- J. In the event of a vehicle breakdown during transport, the transporting personnel shall immediately notify their agency and contact local law enforcement for assistance if necessary. During the breakdown, the transporting staff shall not leave the juvenile unattended.
- K. If it is determined that the juvenile will need a meal while in transit, the detention home shall provide a sack lunch whenever possible.

Discussion: Providing a sack lunch reduces the security risk associated with stopping for meals at drive-ins, restaurants, etc.

- L. The detention home will send with the transporting staff any medication the juvenile will require medication while in transit.
- M. Detention homes and court service units shall have procedures to ensure adequate and appropriate security and supervision while transporting detained juveniles.

Discussion: These procedures should address the ratio of staff to juveniles, searches of the vehicle and of the juvenile; communications while en route; and the use of mechanical restraints when indicated.

- N. In the event a juvenile absconds during transport, the transporting personnel shall immediately report the incident in accordance with Department policy and procedures regarding serious incidents.
- O. Juveniles who were confined in a secure detention facility immediately prior to their court hearing shall not be transported to the Reception and Diagnostic Center directly from court upon commitment, but shall be returned to the detention home until the commitment packet can be completed and transportation arranged.

Discussion: This requirement is in accord with Code of Virginia § 16.1-287, which provides that “[w]henver the court commits a child to the Department of Juvenile Justice, or to any other institution or agency, it shall transmit with the order of commitment copies of the clinical reports, predisposition study and other information it has pertinent to the care and treatment of the child. The Department shall not be responsible for any such committed child until it has received the court order and the information concerning the child.”

PART II

GUIDELINES FOR DESIGNATING APPROPRIATE AGENCIES TO TRANSPORT VIOLENT AND DISRUPTIVE YOUTH AND TO TRANSPORT DETAINED JUVENILES TO DESTINATIONS NOT ADDRESSED IN PART I.

Statutory Authority

§ 16.1-254. Responsibility for and limitation on transportation of children.

B. However, the chief judge of the juvenile and domestic relations district court, on the basis of guidelines approved by the Board, shall designate the appropriate agencies in each county, city and town, other than the Department of State Police, to be responsible for (i) the transportation of violent and disruptive children and (ii) the transportation of children to destinations other than those set forth in subsection A of this section, pursuant to §§ [16.1-246](#), [16.1-247](#), [16.1-248.1](#), [16.1-249](#), and [16.1-250](#), and as otherwise ordered by the judge.

No child shall be transported with adults suspected of or charged with criminal acts.

Guidelines

- A. Violent and disruptive youth may be transported only by detention home staff or by law enforcement personnel other than the State Police.
- B. Transportation of a detained juvenile to a residential placement pursuant to § 16.1-294 shall be the responsibility of the court service unit that is supervising the juvenile or the agency or parent that is seeking the placement, unless otherwise ordered by the court. The court service unit may fulfill its responsibility for transporting a detained juvenile to a special placement under § 16.1-294 by contract or agreement with another public or private agency, or by arrangement with the juvenile's parents, guardians or other responsible adults, including volunteers, when deemed appropriate in accordance with unit operating procedures.
- C. The chief judge of the juvenile and domestic relations district court shall designate an appropriate agency other than the Department of State Police to transport detained juveniles to destinations not addressed in Part I of these Guidelines.

Discussion: Depending on the resources available locally and the nature of the needed transportation, appropriate agencies might include the detention home, the court service unit, a local law enforcement agency, or a public or private agency

Destinations not addressed in Part I include, but are not limited to:

- destinations across jurisdictional boundaries, or that are more than 25 miles, from the detention home in one direction, when there is not a standing administrative agreement or commission charter governing transportation of detained youth;

- destinations in other states
- other secure detention facilities, such as detention homes or jails, when there is not a standing administrative agreement governing transportation of youth;
- a law enforcement agency for interrogation
- funerals, death bed visits, and other extreme circumstances;
- other destinations as determined by the court

E. Consistent with Virginia Code § 37.1-67.01, when a court commits a juvenile to a mental hospital or training center for observation, the committing court shall designate the appropriate law enforcement agency, other than the Department of State Police, to transport the juvenile.

F. Virginia Code § 16.1-254 does not distinguish between pre-dispositionally detained and post-dispositionally detained youth. Therefore, transportation of post-dispositionally detained youth to places other than those as set forth in 16.1-254(A) must be at the designation of the court. This may be accomplished by individual court orders, by standing court order, or by court approval of the plan for treating post-dispositionally detained juveniles required by Standards for Juvenile Residential Facilities, at 6VAC35-140-510 (B):

“When a juvenile is ordered by a court, pursuant to §[16.1-284.1](#) B of the Code of Virginia, into a facility that houses postdispositionally detained youth, the facility shall: ... 2. Have a written plan with the court service unit within five days to enable such youth to take part in one or more locally available treatment programs appropriate for their rehabilitation which may be provided in the community or at the facility.”

Discussion: The written plan between the detention home and the court service unit should address how post-dispositionally detained juveniles will be transported. The written plan may provide for transportation of postdispositionally detained juveniles who are participating in treatment programs or work programs in the community, or receiving services in the community, by detention home staff, court service unit staff, or by any other responsible adult approved by the detention home.

G. Employees of court service units who transport post-dispositionally detained juveniles shall not use their personal vehicles to do so. Employees of detention homes or other agencies shall be subject to their agencies’ policies regarding the use of personal vehicles. If other responsible adults are approved to transport juveniles and choose to use their personal vehicle, they do so at their own risk.